

**FREDERICK COUNTY LIQUOR BOARD**  
***Public Meeting Minutes***  
***Monday, November 18, 2013***

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Those Present: Mr. Dick Zimmerman, Chairman  
Mrs. Maggi Hays, Board Member  
Mr. Rick Stup, Board Member  
Mr. Richard McCain, Assistant County Attorney  
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector  
Mrs. Sandra Rees, Administrative Specialist IV  
Mrs. Penny Bussard, Administrative Specialist IV

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A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman Zimmerman.

1. **JR Sports Bar** – This establishment requested to construct a portable stage which could be taken down when necessary. Also they have a pool table without a barrier per our regulations. The Board requested a diagram be submitted for the portable stage before they could use it. Also must put up a barrier for the pool table.

**MOTION:** Mr. Stup made a motion for approval with the condition that a Proportional Sketch be provided to the Board.

**SECOND:** Mrs. Hays seconded the motion.

***FURTHER DISCUSSION***

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays – Aye  
Mr. Zimmerman – Aye

The vote was unanimous. ***Aye – 3 Nay – 0***  
***(Motion Passed)***

2. **MML Chapter** – Mr. Stup stated he spoke with David Dunn and he wants to get the Liquor Board on the agenda for the MML Chapter meeting to give an abbreviated presentation similar to the County/Municipal Planners. It will probably be at their February Meeting. He will let us know when this is done.

3. **Article 2B Legislation** - Mr. Stup stated he spoke with Senator Brinkley regarding possible legislation to allow the Cruvinet System use for Wine Tasting probably just for Frederick County. It had been suggested by the Orion Wine & Liquor Licensee. It was the consensus of the Board that a pilot program would be of use to track any issues that may arise with the use, and the program should be for about four years. Mr. Stup is to follow up with Senator Brinkley on behalf of the Board, and coordinate with Kathy Vahle.
4. **Private Clubs** – Mr. Stup spoke about the rules for barring the members of these private clubs and the notification to the police. Chairman Zimmerman stated the Board will address this when they revise the regulations.
5. **Entertainment Policy** – Based on some recent request for live entertainment until 2:00 AM, Mr. Stup suggested that the Board should have a Policy as a threshold for Requests and he presented some suggestions for entertainment to stop at 1:30 AM and Factors to be Considered. The Board will continue discussions on this item after the Public Meeting consulting with Legal and Board Administrative Staff
6. Decision Required: Transfer  
  
**TRANSFER FROM:** RE: Claudine Schiller, David Schiller and Eugene Souder Jr. for the use of Just of the Creek Inc.  
t/a Bentz Street Sports Bar  
6 S. Bentz St.  
Frederick, MD 21701  
Class B, On Sale, Beer, Wine & Liquor  
  
**TRANSFER TO:** RE: Eugene Souder Jr., David Cogott Jr. and Lee Rios for the use of Sibling Ventures Inc.  
t/a The Raw Bar & Grill  
6 S. Bentz St.  
Frederick, MD 21701  
Class B, On Sale, Beer, Wine and Liquor

Mr. McCain swore in the applicants (See attached Sign In Sheet). Pending items are: Occupancy Permit, the Fire Marshal, Health Department and Bulk Transfer permit. The applicant stated

everything had been signed off and approved except for the Fire Marshal. Inspector DeLauter stated they are compliant.

**MOTION:** Mr. Stup made a motion for a conditional approval of the transfer until January 6, 2014.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

7. Decision Required: Violation

RE: Frederick Procter, Phillip Oliveri  
and D. David Daniel for use of  
Maryland Convenience Co.  
t/a Frederick Getgo  
1000 W. Patrick St. B  
Frederick, MD 21702  
Class A, Beer and Wine # 11AW 1882  
FCLB Case Number: 6759

The Board held a violation hearing for the charge of furnishing an alcoholic beverage to a minor. Mr. McCain swore in the witnesses (See attached Sign In Sheet). Mr. Stup disclosed that Mr. Proctor's wife was taking care of his mother in the nursing home and would not be biased in this case. Mr. Daniel pled guilty with explanation. Ms. Rollins stated the company views all of the matters very seriously and took remedial action. This incident was an isolated incident and the employee did not follow procedure and the company took disciplinary action. Mrs. Bussard stated they had a violation on July 26, 2010 for a Late Renewal and paid a \$50 fine and August 1, 2011 they had Sales to Minor and paid a \$400 fine.

**MOTION ONE:** Mr. Stup made a motion a \$800 fine and suspend the license for 30 thirty days but suspend the 30 day suspension because of the additional training they have put in place.

**SECOND:** Mrs. Hays seconded the motion and stated any further violations will be dealt with harshly.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

8. Decision Required: Violation

RE: Michael D. Allen for the use of  
Joey & Johnny's LLC  
t/a Manny Mart  
119 South Market Street  
Frederick, MD 21701  
Class A Off Sale, Beer  
License Number 11A 3104 SU  
FCLB Case: 6762

The Board held a violation hearing for the charge of selling alcoholic beverages to a patron outside of the authorized licensed premises. Mr. McCain swore in the witnesses (See attached Sign In Sheet). Mr. Barry John, Owner pled not guilty to the charge. Mr. John stated he works with the Police Department closely and that Mr. Allen, Manager relieved the person responsible for this incident. Findings of Fact: Was the licensee registered with the Board to make deliveries off of the licensed premises? The Board agreed that they were not. Did the licensee violate Section 5.11 of the the Board's regulations by making a sale off the licensed premises? The Board agreed that they did. Did the licensee or its employee sell an alcoholic beverage to a patron outside of the authorized licensed premises? The Board agreed that they did. Mrs. Bussard stated prior violations were, December 29, 2010 for a Sales to Minors a fine of \$500, February 24, 2011 also a Sales to Minors, \$750 fine and 30 day suspension of which was 10 days was suspended and 20 days forgiven. License was transferred in May 22, 2012 and had a Late to File Renewal with a fine of \$1,250 fine.

**MOTION ONE:** Mr. Stup made a motion for a \$200 fine.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup – Aye  
Mrs. Hays - Aye  
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

9. Decision Required: approval of the Public Meeting Minutes for November 4, 2013.

**MOTION:** Mrs. Hays made a motion to approve the Public Meeting Minutes for November 4, 2013.

**SECOND:** Mr. Stup seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Stup - Aye  
Mrs. Hays - Aye  
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

10. **Live Entertainment Policy (Continuation)** – Mr. Stup stated that the Board would need to make a policy concerning live entertainment. The time limit would be until 1:30AM based on last call and the premises cleared by 2:00 AM. Chairman Zimmerman stated this would need to be discussed in a public hearing for the Regulations. The Board will continue discussions on this item after consulting with Legal and Board Administrative Staff.

**ADJOURN**

The meeting was adjourned at 10:10 am.

Respectfully submitted,

Kathy Vahle, Administrator

FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees